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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/891,144	06/25/2001	Robert H. Grubbs	P 0278319 CIT-3219	8866	
7:	590 09/20/2002				
Pillsbury Winthrop LLP			EXAMI	EXAMINER	
Intellectual Property Group Calendar/Docket Dept.			ZUCKER,	ZUCKER, PAUL A	
50 Fremont Str San Francisco,			ART UNIT	PAPER NUMBER	
- · · · · · · · · · · · · · · · · · · ·			1621		
			DATE MAILED: 09/20/2002	مر	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner			Application No.	Applicant(s)			
## Disposition of Claims  ## Art Unit   Paul A. Zucker   1621   1621    ## The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  **Entendence of time may be analysis under the provisions of 37 CFR 1.138(a). In an event, however, may a reply be triedy filled  **If the period for reply is possible above, the maximum statutery priored will apply and will explain SIX (b) MONTHS from the mailing date of this communication in the provision of							
Paul A. Zucker    Paul A. Paul							
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _1 MONTH(S) FROM THE MALINE DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisors of 3 CPR 1.136(a). In a overt, however, may a reply be timely filed the period for may be provided above is less than 15try (39) days, and so were, however, may a reply be timely filed to the period for may be provided above is less than 15try (39) days, an early within the satisfactory minimum of thinty (30) days will be considered them.)  If the period for may be specified above is less than 15try (39) days, an early within the sent or extended period for reply will, by statuto, reason the application to become ABANCHOED (39 U.S.C. § 133).  If the period for may be specified above is less than 15try (39) days, will be considered them.)  If the period for may be specified above is less than 15try (39) days, and will be considered them.)  If the period for may be specified above is less than 15try (39) days, and will be considered them.)  If the period for may be specified above is less than 15try (39) days, and the period of the communication of them.)  If the period for may be specified to the communication to the specified on the period of the specified on the merits is closed in accordance with the practice under Ex parts Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)② Claim(s)							
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time rays be available under the provisions of 37 CFR 1.35(a). In an event, however, may a reply be timely field  Extensions of time rays be available under the provisions of 37 CFR 1.35(a). In an event, however, may a reply be timely field  Extensions of time rays be available under the provisions of 37 CFR 1.35(a). In an event, however, may a reply be timely field  Extensions of time rays be available under the provisions of 37 CFR 1.35(a). In a event, however, may a reply be timely field  Extensions of time rays be available under the provisions of 37 CFR 1.35(a). In a event, however, may a reply be timely field under the available of the statut of the communication. In a event, however, may a reply be timely field under the communication. In a control of the provision of the provis		The MAILING DATE of this communication app					
THE MAILING DATE OF THIS COMMUNICATION.  Extensions or time may be waited beauted the provision of 3 CPR 1.15(6). In no event, however, may a risply be timely fitted after SIX (8) MONTHS from the mailing date of this communication.  False to Roy Within the set of extended pended of this communication.  False to Roy Within the set of extended pended for risply will, by statutory intelligent active place of the communication.  False to Roy Within the set of extended pended for risply will. by statutory and visual risply and visual risple (8) eMONTHS from the mailing date of this communication.  False to Roy Within the set of extended pended for risply will. by statuto, cause the application to become ARANDONED (35 U.S.C. § 133).  Any roy for exercived by this official extensive the mailing date of this communication, even if transly filed, may reduce any source places term adjustment. See 37 CPR 1.04(b).  Status  1) Responsive to communication(s) filed on							
1) Responsive to communication(s) filed on	THE N - Exter after - If the - If NO - Failur - Any re	MAILING DATE OF THIS COMMUNICATION. sions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. period for reply specified above is less than thirty (30) days, a reply period for reply is specified above, the maximum statutory period we to reply within the set or extended period for reply will, by statute, aply received by the Office later than three months after the mailing	36(a). In no event, however, may a reply be within the statutory minimum of thirty (30) will apply and will expire SIX (6) MONTHS from cause the application to become ABANDO	e timely filed  days will be considered timely.  om the mailing date of this communication.  NED (35 U.S.C. § 133).			
2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)  1-45 is/are pending in the application.  4a) Of the above claim(s)  is/are withdrawn from consideration.  5)  Claim(s)  is/are allowed.  6)  Claim(s)  is/are rejected.  7)  Claim(s)  is/are objected to.  8)  Claim(s)  1-45 are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on  is/are: a) accepted or b objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on  is: a) approved b dold disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c) None of:  1.  Certified copies of the priority documents have been received in Application No.  application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)  The translation of the foreign language provisional application has been received.  15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)		Responsive to communication(s) filed on					
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## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-42, drawn to a method for preparing trisubstituted olefins, classified in class 585, subclass 500+.
- II. Claims 43-45, drawn to a method of ring-closing metathesis of an enone, classified, for example, in class 568, subclass 417.

Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are distinct because the method for the synthesis of trisubtituted olefins can be used to create a larger product molecule from two individual reactant starting materials and has the general effect of creating larger product molecules with no additional ring. The ring closing metathesis reaction, on the other hand has the effect of creating a smaller product molecule from a larger reactant molecule and is subject to constraints not present in the acyclic olefin case such as angle strain and creates at least one new ring. The effects of the two processes are thus diametrically opposed. The Examiner further points out that Applicants' single example(Page 18, TABLE 5, entry 2; entry 1 is not an enone) of enone ring closing metathesis

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generates a disubstituted olefin and not a trisubstituted olefin thus placing this reaction outside the scope of claim 1.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II as demonstrated by their differing classifications, restriction for examination purposes as indicated is proper.

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Zucker whose telephone number is 703-306-0512. The examiner can normally be reached on Monday-Friday 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann R. Richter can be reached on 703-308-4532. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4556 for regular communications and 703-308-4556 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

Paul A. Zucker Patent Examiner Technology Center 1600

September 19, 2002

Johann Richter, Ph.D., Esq. Supervisory Patent Examiner

Technology Center 1600